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CO-ORDINATION QUESTIONS

Consumer protection

Report of the Secretary-General

Addendum

1. The present addendum contains the recommendations adopted at the recently concluded United Nations Regional Seminar on Consumer Protection for Asia and the Pacific, held at the headquarters of the Economic and Social Commission for Asia and the Pacific, from 19 to 22 June 1990 (see the annex below).

2. The Seminar was attended by representatives of 19 Governments in the region and by experts, representatives of organizations of the United Nations system and a number of non-governmental organizations.

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Annex

UNITED NATIONS REGIONAL SEMINAR ON CONSUMER PROTECTION FOR ASIA AND THE PACIFIC, BANGKOK, 19-22 JUNE 1990

RECOMMENDATIONS

The participants of the Regional Seminar on Consumer Protection for Asia and the Pacific,

Recognizing as a historic act of fundamental importance the adoption, on 9 April 1985, of the Guidelines for Consumer Protection by the United Nations General Assembly,

Recalling Economic and Social Council resolution 1988/61 on consumer protection, in which the Council urged all Governments to implement the Guidelines, and requested the Secretary-General, in co-operation with the regional commissions and other bodies and agencies of the United Nations system, to provide assistance to Governments, in particular those of developing countries, in implementing the Guidelines,

Conscious that it is the primary responsibility of Governments to promote and protect the rights of their citizens as consumers,

Recognizing as well the important role of independent consumer groups,

Taking into account the conclusions and recommendations of the Regional Consultation on Consumer Protection in June 1981 and the South Pacific Workshop held in Sydney in February 1990,

Considering that in Asia and the Pacific, consumers face serious imbalances in economic terms, educational levels and bargaining power,

Recognizing the special needs of rural consumers and island developing countries,

Make the following recommendations and conclusions:

A. Physical and safety and standards for the safety and quality of consumer goods and services

1. Governments should ensure and encourage the continued updating and dissemination of the United Nations Consolidated List of Products Whose Consumption and/or Sale Have Been Banned, Withdrawn, Severely Restricted or Not Approved by Governments and expand its coverage to include unregistered pesticides and information on safe alternatives;

2. Governments should establish injury surveillance schemes and allocate the necessary resources;

3. Governments should actively participate in the improvement of international guidelines aimed at preventing or mitigating injuries and poisonings, including the FAO Code of Conduct on the Marketing and Distribution of Pesticides and the UNEP London Guidelines on the exchange of information on

hazardous products in international trade; and prompt attention should be paid by Governments to implementation of prior informed consent schemes developed by those bodies;

4. Governments should promulgate and enforce laws and standards that safeguard consumers from potentially hazardous products, technologies (including biotechnology), wastes and services, as well as from the social costs of environmental pollution;

5. Governments should ban the export of hazardous products which are banned or withdrawn domestically;

6. Governments should enact provisions for recalling hazardous products from domestic markets, taking adequate precautions that such products are not subsequently exported or dumped in other countries;

7. Governments should enact and enforce laws based on the principle of toxic use reduction;

B. Promotion and protection of consumers' economic interests

8. Governments should bring the negotiations on the code of conduct on transnational corporations to a positive and prompt conclusion and ensure proper monitoring of its implementation;

9. Governments should speedily implement the United Nations Guidelines for Consumer Protection because of the massive financial losses to the economies of the Asia/Pacific countries occasioned by anti-competitive conduct and exploitation of consumers;

10. Governments should undertake research to devise cost-effective, speedy and accessible measures for the protection of the economic interests of consumers;

11. Governments should ensure the establishment of an international information exchange system on special problems relating to consumer services;

C. Measures enabling consumers to obtain redress

12. The judiciary should assert itself to bring justice to poor and disadvantaged consumers and to enforce consumer rights;

13. Governments should encourage the establishment of avenues through which consumers can channel their complaints and grievances, with adequate provision for quick and effective redress and compensation;

D. Education and information

14. Governments should look again at section III.F of the Guidelines for Consumer Protection and formulate and adopt national consumer education policies;

15. Relevant intergovernmental and international organizations should include consumer education as a distinct element of their work programmes;

16. The regional office for Asia and the Pacific of the International Organization of Consumers Unions (IOCU) should establish a regional clearinghouse on consumer education resource materials for government bodies, consumer and other groups engaged in consumer education;

17. Governments should undertake studies on the information needs of particular groups of consumers in specific areas such as housing, health, transportation and credit;

18. Governments should ensure and support adequate consumer representation when formulating policies on consumer information issues;

19. Governments should encourage the work of consumer groups in providing consumer information by making available the necessary resources, as well as by ensuring access to the media, including radio and television;

20. ESCAP should provide training for journalists on consumer protection issues in collaboration with IOCU and other appropriate organizations;

21. ESCAP should produce a training manual on reporting of consumer issues;

E. Measures relating to the disadvantaged groups and areas

22. Governments should give priority to the special needs of disadvantaged groups, including rural consumers, women, children and the disabled, land-locked and developing island countries, and formulate clear policies;

23. Governments and consumer groups should use local institutions such as co-operatives, rural community development groups, women's associations and religious organizations, as appropriate, to transmit consumer information and education;

24. ESCAP should undertake in-depth studies on problems facing disadvantaged consumers in the region;

25. Governments should support the holding of a subregional workshop on consumer education and protection for South Pacific island countries before the end of 1991, noting that:

(a) Prior to the workshop a process of consultation should be undertaken with government and non-governmental organizations regarding the content, process and location of the workshop,

(b) The involvement of IOCU is sought for the co-ordination and facilitation of the workshop,

(c) The support of UNDP, ESCAP and Governments in the region is sought to support the workshop and subsequent education programmes,

(d) To encourage localization and cultural sensitivity, it is recommended that the workshop be hosted by one of the South Pacific island countries, in order to promote greater awareness of consumer protection and education in the region and to emphasize greater local participation;

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26. Participants should note the need for Pacific island countries to have access to quality consumer protection information, and include Pacific island countries on mailing lists and information networks;

27. The Australian and New Zealand Government consumer agencies should be encouraged to involve Pacific island countries in the development of standards, with a view to developing a regional policy on standards;

28. Member countries of the South Pacific Forum should endeavour to have the Guidelines placed on the agenda of the next Forum meeting for discussion;

F. Institutional structures

29. Governments should establish a national body to co-ordinate policies and programmes for consumer protection;

30. Governments should support independent consumer organizations and encourage their participation in IOCU activities, and ensure adequate consumer representation in all policy-making that affects consumers;

31. The consumer movement should forge a tactical alliance with the environmental movement to enhance their combined influence for creating a positive political climate for promoting consumer protection in the framework of a more sustainable society;

32. Government consumer protection bodies and consumer and business organizations should develop mechanisms for regular consultation to ensure the effective and speedy resolution of consumer problems;

33. Governments should support a comparative study of institutional structures for consumer protection agencies in the region to enable Governments to develop and enhance their own administrations;

G. Regional and international co-operation

34. Governments of the developed countries in the region should consider directing more of their overseas development aid, both bilateral and multilateral, to strengthen consumer protection in the developing countries;

35. ESCAP, in collaboration with the Department of International Economic and Social Affairs of the Secretariat and relevant international organizations, should undertake follow-up activities and also support national efforts to implement the United Nations Guidelines for Consumer Protection;

36. ESCAP should monitor the consumer protection situation, policies and issues and identify and address technical assistance needs in Asian and Pacific countries; ESCAP should consider establishing a data bank and functioning as an information clearinghouse on consumer related matters; in this regard, the complementary role that could be played by IOCU in implementing the above programme should be recognized;

37. ESCAP should facilitate the strengthening of contact among consumer policy makers by publishing and updating periodically a directory of consumer protection agencies and bodies in the region;

38. Governments should underline the importance of incorporating consumer security in the regional social development strategy towards the year 2000 being formulated by ESCAP for submission to the Fourth Asian and Pacific Ministerial Conference on Social Welfare and Social Development, to be held at Manila in September 1991;

39. A joint ESCAP/IOCU training, information and education institution based in Penang, Malaysia, with a suboffice in the South Pacific, should be established; to that end, ESCAP and IOCU should explore the possibility of obtaining bilateral and multilateral assistance;

40. A regional intergovernmental forum on consumer policy, which would provide the framework for regular policy discussions and exchange of information and expertise on consumer issues, should be established; meeting biennially, the terms of reference of this forum should be as elaborated by the South Pacific Consumer Affairs Workshop held in Sydney in February 1990 and deliberate on the state of the consumer, consumer policy issues and activities relating to consumer affairs;

41. In order to validate the establishment of such a forum, ESCAP should convene a meeting of senior government officials and other experts on the establishment of a regional intergovernmental forum; this meeting of government officials and experts in the field of consumer protection should be convened as early as possible; consideration should be given to holding such a meeting in conjunction with the consumer policy seminar scheduled to be organized by the Japan Consumer Information Centre in early 1991;

42. Member Governments should establish a United Nations World Consumer Rights Day, using either the date 15 March, which is now celebrated in many countries, or 9 April, the date on which the United Nations Guidelines for Consumer Protection were adopted;

43. Governments and consumer groups should encourage the collaborative testing of products through a network of technical facilities in the region and elsewhere, where appropriate;

44. The Department of International Economic and Social Affairs, in co-operation with the development funds and programmes of the United Nations, the regional commissions and other relevant bodies and agencies of the United Nations system, should develop a global plan of action; such a plan could incorporate the following activities:

(a) Regional meetings in Africa, Eastern Europe and the Middle East and subregions such as South Asia,

(b) Development of country-by-country global surveys of consumer protection measures, using the United Nations Guidelines for Consumer Protection framework,

(c) Establishment of an advisory and research service,

(d) Elaboration of specialized guidelines for the protection of vulnerable consumers such as children and to deal with emerging issues such as financial services;

Such a global plan should culminate in 1995, the tenth anniversary of the United Nations Guidelines for Consumer Protection, with a review of the implementation of the Guidelines over the decade;

45. Recognizing the resource constraints, the Seminar urged multilateral and bilateral donors to provide financial support to enable the Department of International Economic and Social Affairs and ESCAP to implement the above-mentioned recommendations.